

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #6	CCRB Case #: 201800376	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/11/2018 7:11 AM	Location of Incident: Richmond Road and New Dorp Lane	Precinct: 122	18 Mo. SOL 7/11/2019	EO SOL 7/11/2019	
Date/Time CV Reported Fri, 01/12/2018 8:04 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 01/12/2018 8:04 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Linder	28759	930572	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Francisco Ruiz	15750	943946	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Linder	Abuse: Police Officer Michael Linder seized § 87(2)(b) s property.	

Case Summary

On January 12, 2018, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On January 11, 2018, at approximately 7:11 A.M. § 87(2)(b) was pulled over by PO Michael Linder and PO Francisco Ruiz, both of the 122nd Precinct, in the vicinity of Richmond Road and New Dorp Lane in Staten Island. § 87(2)(b) was subsequently arrested for circumvention of interlock device, aggravated unlicensed operation of a motor vehicle, operating a motor vehicle without insurance, and operating an unregistered vehicle. PO Linder transported § 87(2)(b) to the 122nd Precinct Stationhouse while PO Ruiz drove his vehicle to the stationhouse (**Allegation A: Abuse of Authority, § 87(2)(g)**). There is no video footage of this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Michael Linder seized § 87(2)(b) s property.

It is undisputed that § 87(2)(b) was operating a motor vehicle while his license was suspended and that the vehicle was not registered or insured at the time of his arrest. It is further undisputed that PO Ruiz drove § 87(2)(b) s vehicle back to the stationhouse while PO Linder transported § 87(2)(b) in the RMP.

On January 22, 2018, § 87(2)(b) provided a sworn statement to the CCRB regarding this incident. He stated that on January 11, 2018, at approximately 7:00 A.M., he moved his beige/white 2001 Lincoln LS V8 to the parking lot next to his residence at § 87(2)(b) in Staten Island. At the time, the vehicle had a New Jersey license plate that § 87(2)(b) found on the street two years prior. The plate was not stolen but was not registered to § 87(2)(b) s vehicle. § 87(2)(b) put the plate on the back of his vehicle so it did not look like a “dead” vehicle that could be stolen or towed. § 87(2)(b) has not had his license for two years and has been arrested twice for driving under the influence of alcohol. After § 87(2)(b) parked and exited his vehicle, a marked NYPD SUV pulled up. § 87(2)(b) was instructed to put his hands on the vehicle and he was arrested. PO Linder drove § 87(2)(b) to the 122nd Precinct Stationhouse while PO Ruiz drove § 87(2)(b) s vehicle to the station. On Saturday, January 13, 2018, § 87(2)(b) went to the stationhouse to pick up his vehicle but was informed that he could not get his vehicle until it was properly registered and insured. § 87(2)(b) then signed the vehicle over to his mother and on Tuesday, January 16, 2018, she got the vehicle registered and insured under her name. § 87(2)(b) retrieved his vehicle from the stationhouse on January 16, 2018. An IAB spinoff was generated on January 17, 2018, to address § 87(2)(b) s allegations that officers drove and damaged his vehicle while it was in police custody.

PO Linder provided a statement regarding this incident on January 31, 2018. PO Linder stated that on January 1, 2018, he observed § 87(2)(b) pull into a deli located a few blocks from § 87(2)(b) s residence at § 87(2)(b) in Staten Island. After § 87(2)(b) observed the officers, he put his vehicle in reverse and left the parking lot. PO Linder thought § 87(2)(b) s behavior was suspicious so he followed § 87(2)(b) s vehicle and ran the vehicle s license plate. After running the New Jersey plate, he discovered that the plate came back to a Nissan Maxima, not a Lincoln. PO Linder therefore knew the vehicle was not properly registered. § 87(2)(b) then pulled into his driveway and ran into his residence so PO Linder had to leave the vehicle. On January 11, 2018, PO Linder observed § 87(2)(b) pull out of his driveway at

§ 87(2)(b) § 87(2)(b) was driving the same vehicle with same New Jersey license plate. PO Linder pulled § 87(2)(b) over in the parking lot of condominiums located at 2437 Richmond Road and ran the license plate again. PO Linder confirmed § 87(2)(b)'s vehicle was still not properly registered and upon further investigation found that § 87(2)(b)'s license had been suspended six times. § 87(2)(b) was arrested and PO Linder decided his vehicle needed to be driven back to the stationhouse. The vehicle could not be left on scene or in another parking space because it was not registered or insured and needed to be taken off of the road until it was. Moreover, PO Linder needed to determine the true owner of the vehicle. PO Ruiz drove the vehicle to the stationhouse and PO Linder vouchered it under invoice number § 87(2)(b) [BR 01]. Once at the stationhouse, § 87(2)(b) informed PO Linder that the title to his vehicle was in the glove compartment. PO Linder retrieved the title and confirmed the vehicle did belong to § 87(2)(b).

§ 87(2)(g)

According to PO Linder's memo book entry for this incident, § 87(2)(b) was operating a white Lincoln LS with New Jersey license plate § 87(2)(b) which came back to a Nissan Maxima. § 87(2)(b)'s license was suspended six times on four occasions and his vehicle was driven back to the precinct where it was vouchered for safekeeping until properly registered [BR 02].

As per New York Vehicle and Traffic Laws §319 and §401, it is unlawful to operate an unregistered or uninsured vehicle in New York State [BRs 03 and 04, respectively]. Patrol Guide Procedure 218-12 allows officers to safeguard vehicles at the command for 48 hours when not required as evidence or not the subject of forfeiture [BR 05].

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first complaint with the CCRB [BR 06].
- PO Linder has been a member of the service for 15 years and has five prior CCRB allegations against him. In 2003, a stop allegation was substantiated with charges. PO Linder received Command Discipline A. In the same case, a stop and question allegation and a retaliatory arrest allegation were closed as unsubstantiated. A discourtesy allegation was closed as complainant uncooperative and a force allegation was closed as alleged victim uncooperative.

Mediation, Civil and Criminal Histories

- Due to § 87(2)(b)'s arrest, this case was not suitable for mediation.
- § 87(2)(b)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date